

## Attachment B:

**Required changes to the submitted Yakima County Regional Shoreline Master Program, for achieving consistency with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).**

1) Page 8 – **Policies NS 7.36(8):** As required by 173-26-221 (b)(d)(iii), public access is required in private development for water-enjoyment, water-related, nonwater-dependent uses, and for subdivisions of land with five or more parcels, unless specific exceptions apply. Change to:

“NS 7.36 (8) Development standards for dedicated and improved public access to the shoreline and visual quality should be required for public developments, with few exceptions. ~~Public projects should provide public access, except where it is demonstrated to be infeasible due to reasons of safety, security, or impact to the shoreline environment. Private projects should provide public access in limited situations~~ All projects should provide public access, except where it is demonstrated to be infeasible due to reasons of safety, security, impact to the shoreline environment, or constitutional or legal limitations.”

2) Page 20 – Purpose Statement NS 15, 16, 17 and 18. Amend the first paragraph, last sentence to specify compliance with RCW 90.58.020, RCW 90.58.100(2)(f), WAC 173-26-186:

“While fish and wildlife habitat includes upland habitat, state administrative code implementing the Growth Management Act (WAC 365-190-080(5)) focuses on habitat that is related to water.

Add the following to this paragraph: “The Shoreline Management Act at RCW 90.58.020 contemplates protecting against adverse impacts to *“...the land its vegetation and wildlife, and the waters of the state and their aquatic life”*. Thus the standard for protecting existing ecological function, expressed in fish and wildlife and their habitats, is more comprehensive than the Growth Management Act.”

3) Page 20 – Policies: NS 15.1: Amend to read as follows, to specify compliance with RCW 90.58.030(2)(d), WAC 173-26-186(8)(b): “Encourage the protection of aquatic, riparian, upland and wetland fish and wildlife habitat. This can be approached from both a region-wide and site specific perspective to ensure that the best representation and distribution of habitats remains to protect the natural values and functions of those habitats.”

4) Page 21 -- NS 15.5. Add the following language to comply with RCW 90.58.020, WAC 173-26-186(8)(b): “Protect fish and wildlife habitat for all native species in Yakima County, so as to maintain current populations over time”.

5) Page 32 – **16D.01.03 Purpose of Title:** Add to this section to clarify that the SMP applies in 9 municipalities in Yakima County, as well as in the unincorporated County of Yakima, as provided in WAC 173-26-191(d): “...applied to development within Shoreline jurisdiction of unincorporated Yakima County and municipalities in Yakima County which have adopted this regional SMP.”

6) Page 32 and 33 – **16D.01.04 Intent of Title:** Amend as follows to clarify consistency with RCW 90.58.030(2), WAC 173-26-186(1) and (2): “YCC Title 16D establishes goals, policies, standards, and other provisions regulations pertaining to projects, uses and development within designated critical areas regulated under the provisions of the Growth Management Act (RCW 36.70A) as it applies to Shoreline jurisdiction, development within critical areas or other areas under Shoreline jurisdiction as provided in the Shoreline Management Act (RCW 90.58) and the Growth Management Act (RCW 36.70A), and development regulated under the National Flood Insurance Program.

7) Page 33 – **16D.01.04 (1)(i):** Amend as follows to specify compliance with RCW 90.58.020, WAC 173-26-186(2): “Provide Manage for no net loss of ecological function within Shoreline jurisdiction, ~~particularly the functional properties of stream corridors and other hydrologically related critical areas to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life.~~”

a) 10) Page 33 – **16D.01.04 (2)(c)(c):** Amend as follows to specify compliance with WAC 176-26-201(2)(f): “Are not intended to retroactively require the restoration of degraded critical areas for properties in a degraded condition prior to the effective dates of provisions in the Critical Areas Ordinance (YCC Title 16C) or Shoreline Master Program (YCC Title 16D); but rather to use compensatory mitigation ~~utilize restoration~~ as a tool to mitigate impacts of new development;”

8) Page 34 – **16D.01.05 (1):** Amend as follows to clarify applicability in 9 municipalities in Yakima County as well as in the unincorporated county of Yakima, as provided in WAC 173-26-191(d): “The provisions of this title shall apply to any new development, construction or use within the unincorporated portion of Yakima County, and municipalities in Yakima County which have adopted this regional SMP’ designated as...”

9) Page 36 – **15D.01.08 (1):** Amend as follows to clarify applicability in 9 municipalities in Yakima County as well as in the unincorporated county of Yakima, as provided in WAC 173-26-191(d): “The Yakima County Public Services Department – Planning Division, and the appropriate authorities of municipalities which have adopted this regional SMP shall be responsible for the general administration of this title.

10) Page 39 – **16D.02.070 Bioengineering**: Amend as follows to clarify definition of bioengineered or biotechnical soil stabilization techniques and designs as distinct from vegetated riprap, and to assure consistency with RCW 90.58.100(a) and WAC 173-26-221(2) and (5), WAC 173-26-221(5), WAC 173-26-231(3)(a)(iii): ““Bioengineering” means...and maintains a health riparian environment with habitat features important to fish life aquatic and terrestrial wildlife. ~~Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of vegetation.~~ Bioengineered or biotechnical bank protection designs may incorporate limited use of armored toes and wood structural elements.”

11) Page 54 – **16D.03.03(1)**: Amend as follows to specify compliance with 173-26-191(2)(a)(iii)(A): “Establish the scope of the project, development or use and the critical area features and shoreline resources involved or potentially impacted;”

12) Page 54 – **16D.03.03(2)**: Amend as follows to specify compliance with 173-26-191(2)(a)(iii)(A): “Consider the degree to which the project, development or use may affect or impair a designated critical area or shoreline resource and identify potential concerns that may arise;”

13) Page 56 -- **16D.03.05(1)(a)**: Amend as follows to specify compliance with WAC 173-26-221(5), WAC 173-27-040 and 140: “Maintenance of existing, lawfully established areas of crop vegetation, landscaping (including paths and trails) or gardens within a regulated critical area or its buffer. Examples include, harvesting or changing crops, mowing lawns, weeding, harvesting and replanting of garden crops, pruning, and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas. Cutting down trees and shrubs within a buffer is not covered under this provision, ~~but maybe covered under an exemption.~~ Excavation, filling, and construction of new landscaping features, such as concrete work, berms and walls, are not covered in this provision and are subject to review;”

14) Page 57 -- **16D.03.05(6)**: Amend as follows to specify compliance with RCW 90.58.030, WAC 173-27-040 and 140: “All ~~exempted~~ activities exempt from the requirement for a substantial development permit shall use reasonable methods to avoid impacts to critical areas. To be exempt from ~~this title~~ the requirement for a substantial development permit does not give permission to degrade a critical area or Shoreline or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party’s expense, according to section 16D.06.23 (Reclamation). “

15) Page 57 -- **16D.03.05(7)**: Amend as follows to specify compliance with RCW 90.58.030, WAC 173-27-040 and 140, and WAC 173-26-191(2)(a)(iii)(A): “ The following development activities are exempt from substantial development permits that are required within Shoreline jurisdiction designated in chapter 16D.10.03 (Shoreline Jurisdiction), ~~Wetlands designated in chapter 16D.07.02 (Designation and Mapping)~~

and Hydrologically Related Critical Areas features designated in section 16D.06.03 (HRCA Features):”

### **~~16D.03.09 Exemptions for Upland Wildlife Habitat and Habitats of Local Importance~~**

~~The following development activities are exempt from substantial development permits that are required for Upland Wildlife Habitat and Habitats of Local Importance designated in section 16D.06.04:~~

- ~~1) Agricultural and other uses that maintain the existing natural vegetation (rangeland grazing, stock fences, outdoor recreation, etc.);~~
- ~~2) Any development and associated facilities with less than a ½ acre of disturbance area on existing lots;~~
- ~~3) New driveways or roads less than ½ mile in length;~~
- ~~4) Additions to or alteration of existing single family residences and associated facilities;~~
- ~~5) Subdivision consistent with zoning districts, with roads totaling less than a 1/4 mile in length or less. Clustering to reduce infrastructure is encouraged~~
- ~~6) Development for which a biological assessment or a biological opinion for federal review is provided.~~

16) Page – 63 **Table 3-1:** Amend as follows to clarify that Table 3-1 refers to permits required under the Yakima County SMP, and specify compliance with RCW 90.58.200, and WAC 173-27-010 through 210:

**Table 3-1**

General Permits or Reviews
<b>Substantial Development.</b> <u>Shoreline</u> Substantial development projects include any development subject to RCW Chapter 90.58, the Shoreline Management Act.
<b>Exemptions.</b> Exemptions are generally minor activities that do not need to go through the permit process.
Specific Permits
<b>Conditional Use Permit.</b> Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in Table 16D.10.05 as conditional uses, and that are usually seen as uses that either do not need a Shoreline location, are considered not to be suitable for siting in shoreline locations, or have impacts that need closer scrutiny.
<b>Variance.</b> A <u>Shoreline</u> Variance may be used within Shoreline jurisdiction to grant relief from specific performance standards where there are extraordinary circumstances that will impose unnecessary hardships.
<b>Non-conforming Use or Facility Alteration.</b> Non-conforming Use or Facility Alterations are necessary when an existing legal use that currently does not conform to this title is to be altered.
<b>Minor revisions to an Existing Permit.</b> Minor Revisions to an Existing Permit allow simplified review of certain changes to a project that has previously received a permit.
<b>Reasonable Use Exceptions.</b> Reasonable Use Exceptions provide an alternative to landowners when all reasonable use of a property has been prohibited.
<b>Flood Hazard Permit.</b> A Flood Hazard Permit is required for activities within floodplains.

It is different in that it has special administrative provisions, and may include many of the specific permit types noted above within it, which are described in chapters 16D.05.20 through 16D.05.72. It is focused mainly on construction methods, but may include site design to minimize impacts to adjacent properties or resources, or to locate the proposed development in areas where depth and velocity of floodwaters during the base flood do not exceed the current standards for construction of human occupied structures or safe access.

17) Page 65 – **16D.03.14:** Amend as follows to clarify scope of purpose of the SMA and Yakima County SMP (RCW 90.58.020):

- 1) ~~“Impact of the project to critical area features on the property or on abutting or adjacent properties, and to Shoreline values and ecological functions; Danger to life and property that would likely occur as a result of the project;~~
- 2) Compatibility of the project with the critical area features on, adjacent to, or near the property; Shoreline values and ecological functions; and public access and navigation;”

18) Page 71 – **16D.03.18(3):** Amend as follows to specify compliance with WAC 172-26-221(2)(c)(i), and WAC 173-22: Add new section (e): “For category II and III wetlands with wetland rating habitat scores over 20 points, a wildlife habitat survey report and a habitat protection plan specific to wildlife using the wetland shall be submitted by a qualified professional. If a contiguous 100-foot wide protected habitat corridor exists between the existing wetland buffer complex and another adjacent wetland habitat found in the survey, this provision may be waived.”

Add new section (f): “Wetland buffers set forth in Table 6-2 shall only be minimized through application of the shoreline variance permit process and its provisions and criteria.”

19) Page 73 -- **16D.03.21: Shoreline Conditional Uses:** Amend as follows to include application to uses and developments not addressed elsewhere in the SMP, in conformance with WAC 173-27-160, and 180 through 210:

**“Classification Criteria** - Shoreline Conditional Uses are those uses within Shoreline jurisdiction that are identified in section 16D.10.05 (Shoreline Land Use table) as Conditional Uses, and that are usually seen as uses that either do not need a shoreline location are considered not to be suitable for siting in shoreline locations, or have impacts that need closer scrutiny. Unclassified Conditional projects, uses and developments which may be proposed in the future, but were not considered during development of the SMP. “

20) Page 75 – Delete the following section, because Reasonable Use Exceptions are not a type of authorization provided in RCW 90.58.140 and WAC 173-27:

**~~16D.03.24 — Reasonable Use Exception~~**

- ~~1) **Classification Criteria** – If the application of this title would deny all reasonable economic use of the subject property, the property owner may apply for a Reasonable Use Exception pursuant to this Section.~~
- ~~2) **Process** – A Reasonable Use Exception shall be processed as a Type III review with a public hearing in accordance with YCC Title 16B.03 (Classification by Project Permit Type). Within Shoreline jurisdiction, the project shall be reviewed in the same manner as a Conditional Use permit (16D.03.21), except that the review shall be elevated to a Type III review as allowed by YCC Title 16B.03.~~
- ~~3) **Decision Criteria** – Decisions on the Reasonable Use request shall be based on the general decision criteria found in section 16D.03.14 (Authorization Decisions—Basis for Action), together with the criteria below. The Reasonable Use request shall be accompanied by the evidence necessary to demonstrate conformance with the criteria below. Failure to satisfy any one of the criteria shall result in denial of the request. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.~~
  - ~~a) The application of this title would deny all reasonable use of the property; provided that the inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant;~~
  - ~~b) No other reasonable use of the property has less impact on the critical area;~~
  - ~~c) Any alteration is the minimum necessary to allow for reasonable use of the property.~~

21) Page 100 -- **16D.06.01 Purpose and Intent:**

Amend as follows to specify geographic application and standards for protecting ecological function such as upland, riparian, wetland and aquatic wildlife habitat, as required in RCW 90.58.020, RCW 90.58.030(2) and WAC 173-26-191(2)(a)(iii)9A), WAC 173-26-221(5)(b):

- 1) “The shorelines of Yakima County include stream corridor systems, hydrologically related critical areas, lakes include hydrologically related critical areas, streams, lakes, ponds, wetlands, and associated uplands and which are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship. These regulations have been designed to:
  - a) Meet the requirements of the Shoreline Management Act (RCW 90.58.020), to protect against adverse impacts to the land, its vegetation and wildlife, and the waters of the state and their aquatic life, and to protect the ecosystem-wide processes and ecological functions of state Shorelines within Shoreline jurisdiction;
  - b) Meet the requirements of the Growth Management Act (RCW 36.70A.172) to protect the functions and values of fish and wildlife habitat conservation areas, wetlands, stream undercutting geologic hazards and frequently flooded areas; and to give special consideration to anadromous fish applicable to Shoreline jurisdiction

- 2) The guidelines, policies, and standards of this chapter are intended to:
- a) Plan for and regulate ~~Provide alternatives for necessary projects, development, construction, and uses within a designated stream corridor and other hydrologically related critical areas~~ jurisdiction of the Yakima County Regional SMP;
  - g) ~~Recognize that, based on WAC 365-190-080(5) (Fish and Wildlife Habitat Conservation Areas) wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important;~~
- ~~Emphasize that these provisions do not attempt to protect individuals of species. Rather, these provisions are intended to provide protection for wildlife habitats."~~**

22) Page – 101 **16D.06.02 Protection Approach** Amend as follows to specify geographic application and standard for protecting ecological function such as upland, riparian, wetland and aquatic wildlife habitat, as required in RCW 90.58.020, RCW 90.58.030(2) and WAC 173-26-191(2)(a)(iii)9A), WAC 173-26-221(5)(b):

- 4) Corridors for wildlife to move between large habitat areas are a component of wildlife habitat. Riparian corridors offer a natural system of linkages between such areas. In semi-arid regions such as Yakima County, riparian corridors not only offer migratory linkages between large habitat areas but also offer important refuge and habitat for numerous species that rely on the riparian areas for their existence. Consequently, Yakima County's approach to protect wildlife migration corridors and riparian habitat is to rely on the protection measures for stream corridors, wetlands, ~~and in~~ Shoreline jurisdiction, where applicable. Native upland plant communities adjacent to riparian areas in Yakima County are also high quality wildlife habitat supporting significant native wildlife assemblages. Other upland plant communities consisting of mixes of native and introduced species also support diverse wildlife populations. The goals, policies, shoreline environments and use regulations in this SMP are intended to manage these areas, where they occur within jurisdiction of this shoreline master program, to assure no net loss of ecological function, including existing wildlife habitat and populations. This purpose is complimentary to additional provisions in Chapter 16D.11, Upland Habitat Conservation Areas, which address this Critical Area category, identified in the Growth Management Act (RCW 36.70A.172).
- 5) Yakima County's approach to protecting aquatic habitat is to rely on the protection standards for rivers, streams corridors, lakes, and the associated wetlands of these shorelines, and within Shoreline-jurisdiction of the Yakima County Regional SMP. ~~(where applicable).~~ These standards are derived from the requirements of the SMP Guidelines, at WAC 173-26-201 and subsequent sections.

23) Page 102 – **16D.06.04 Upland Wildlife Habitat and Habitats of Local Importance**

Amend as follows:

- 1) Upland wildlife habitats are identified in the Shoreline Inventory and Characterization prepared as required in WAC 173-26-201(2),and (3)(c),(d),for the comprehensive update of the Yakima County Regional SMP.
- ~~2) State Natural Area Preserves and Natural Resource Conservation Areas shall be designated Upland Wildlife Habitat.~~
- ~~3) Species and Habitats of Local Importance. These are habitats or species that due to their declining population, sensitivity to habitat manipulation or other values make them important on a local level.~~

24) Page 104 – **16D.06.06 Stream, Lake and Pond Typing System:** Delete. Refer to Appendix B and C of the SMP, listing shoreline lakes, rivers and streams which are shorelines In Yakima County.

25) Page 105 – **16D.06.08 Maps:** Amend as follows: “Shorelines of the state as well as certain fish and wildlife habitat and hydrologically related critical areas have been inventoried and are depicted on a series of paper and electronic maps maintained at the Yakima County Public Services Department.”

26) Page 106 – **16D.06.10 General Development Standards, Prohibited Uses:**

Amend as follows to clarify application to all shorelines in Yakima County including lakes:

- 9) Fill for the sole purpose of increasing land area within the ~~stream corridor~~shorelines;

27) Page 111 – **16D.06.16 Vegetative Buffers** Amend as follows to specify width of vegetative buffers and their protection and management, as required in WAC 173-26-221(5)(a),(b),and (c):

Establishment. There is hereby established a system of vegetative buffers that are necessary to protect the ecological functions and values of shorelines, and certain hydrologically related critical areas including wetlands. The Standard and minimum vegetative buffers for shoreline streams, and lakes shall be 100 feet. For ponds and wetlands, based on a review of the best available science, buffers are listed in table 6-1, and 6-2.

- 1) Vegetative buffers shall be measured from the Ordinary High Water Mark (OHWM) for streams, lakes and ponds, and from the wetland edge for wetlands, as identified in the field. The width of the wetland buffer shall be determined according to the ~~stream or wetland type, specified in Table 6-1.~~
- 2) Buffer width may be reduced through the Variance (16D.03.22) permit process.



3) ~~The minimum buffer widths listed in Tables 6-1 and 6-2 do not apply for Shoreline jurisdiction.~~

3) 4) The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. If the vegetation is degraded, then no adjustment to the buffer width should be granted and re-vegetation should be considered. Where the use is being intensified, a degraded buffer should be re-vegetated to maintain the standard width.

28) Page 111 – **16D.06.16 Table 6-1:** Delete this table, and re-designate table 6-2 as table 6-1, since shorelines of the state are defined specifically in RCW 90.58.030(2)(c).

**Table 6-1**

<b>Stream Type</b>	<b>Buffer Width</b> standard/(minimum adjustment) See Section 16D.06.16, subsections 1-4.
Type 1 Shoreline streams, lakes and ponds	100'
Type 2 streams, lakes and ponds	75'/(25')
Type 3 streams (Perennial), lakes and ponds	50'/(25')
Type 4 streams (Intermittent), lakes and ponds	25'/(15')
Type 5 streams (Ephemeral)	<del>No buffer standards Type 5 streams are not regulated.</del>

**Table 6-2 1**

<b>Type 1 Wetlands</b> (standard/minimum)	<b>Type 2 Wetlands</b> (standard/minimum)	<b>Type 3 Wetlands</b> (standard/minimum)	<b>Type 4 Wetlands</b> (standard/minimum)
200'/25'	100'/25'	75'/25'	50'/25'

29) Page 112 – **16D.06.17** Amend as follows to clarify application to shorelines in Yakima County in jurisdiction of the SMP; to clarify that construction of roads must be regulated under the SMP, not the Forest Practices Act (WAC 173-26-241(3)(e)); to specify use of regulatory language, not policy language; to specify protection of all wildlife in shorelines, not only fish as required in RCW 90.58.020; to clarify best current technical practice, not only requirements of one agency as required in RCW 90.58.100(1)(b):

**16D.06.17(1) Roads, Railroads and Parking:**

“The following provisions shall apply to the location and construction of roads, railroads and parking within ~~a designated hydrologically related critical area shorelines~~, except that logging roads, being a special category of roads, may be regulated as Forest Practices under this title (refer to those relevant sections).”

**16D.06.17(6)** “ ~~The preservation of nNatural~~ stream channels and drainage ways shall be preferred preserved over through the use of bridges for crossings, unless the use of

culverts is demonstrated to be the only technically feasible means for crossing. The use of bridges shall be the preferred means to preserve natural streams and drainageways. Where bridges are not feasible, ~~where culverts are the preferred~~, large, natural bottom culverts, multi-plate pipes and bottomless arches ~~are preferred~~ shall be used."

**16D.06.17(8)** "Where fish, amphibian or other wildlife passage is ~~are~~ present, culverts shall be designed and constructed to specifications provided through the ~~Department of Fish and Wildlife~~ Washington State Aquatic Habitat Guidelines or a comparable source of expertise."

30) Page 114 – **16D.06.18(11)(b) Additional Shoreline Standards for Utility Transmission Lines and Facilities** Amend as follows: "Expansion, updating, and maintenance of existing facilities is allowed but ~~should~~ shall be designed to be located to ~~minimize~~ avoid the adverse impacts to shoreline resources as much as possible."

31) Page 114 – **16D.06.19(6) Shore Stabilization** Delete the following to specify regulatory language, not policy language: "~~Alternative Preferences. Vegetation, berms, bioengineering techniques, and other nonstructural alternatives which preserve the natural character of the shore shall be preferred over riprap, concrete revetments, bulkheads, breakwaters, and other structural stabilization. Riprap using rock or other natural materials shall be preferred over concrete revetments, bulkheads, breakwaters, and other structural stabilization.~~

Replace with the following language to specify regulatory language and a correct definition of bioengineering (biotechnical) shoreline protection as required in WAC 173-26-231(3)(a)(iii):

Stream bank and lakeshore protection shall be accomplished using bioengineered (biotechnical) designs employing living plant materials as primary structural components of resistance to erosion and mass wasting, unless a report prepared by a qualified engineer experienced in soil bioengineering (biotechnical) and shoreline protection demonstrates that conventional structural armoring is the only feasible means of stabilizing the subject stream bank or lakeshore.

32) Page 117 – **16D.06.21 Filling** Amend as follows to specify application to all shorelines in Yakima County; to specify protecting shoreline ecological functions as required by WAC 173-26-231(3)(c)(c):

"The following provisions shall apply to filling activities within ~~a designated hydrologically related critical area~~ shorelines: "

8) ~~Fill and finished surface material shall require low maintenance, provide high resistance~~ shall be stabilized with native vegetation where appropriate to prevent erosion, and prevent or control the migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless the Washington Department

of Fish and Wildlife indicates other options are preferred technical consultation with other regulating agencies indicates alternative means are required.

33) Page 118 – **16D.06.22 Commercial Mining of Gravels** Amend as follows to specify applicability to all shorelines in Yakima County; to specify that mining must be consistent with standards required in RCW 90.58.100(1)WAC 173-26-241(3)(h), and that regulation of mining cannot be regulated as a forest practice under provisions of the SMA:

The following provisions shall apply to the commercial mining of gravels within a ~~designated hydrologically related critical area shorelines, except that mining may be regulated as Forest Practices under this title, (refer to those relevant sections):~~

2) ~~Wherever feasible, t~~The operations and any subsequent use or uses shall not cause permanent impairment or loss of floodwater storage, wetland, or other stream corridor features. Mitigation shall provide for the feature's replacement at equal value.

a) 6)(b) Mining processing activities and stockpiles shall be sited in such a manner so as to ~~minimize~~ avoid damage or loss resulting from flooding.

34) Page 122 – **16D.06.31 Piers and Docks** Section 4 added to specify applicability of policy requirements in RCW 90.58.020 and standards in WAC173-26-231(3)(b):

16D.06.31 (4) Docks, piers, and any other over-water structures for similar purpose, are prohibited in free-flowing streams and rivers in Yakima County. Bridge and trestle piers, flow measuring gauges, and existing irrigation diversion facilities are excluded from the prohibition in this section.

35) Pages 137-145 – **16D.010.05 Shoreline Land Use Table** Amend as follows to specify consistency with policy in RCW 90.58.020 and environment designation management policies in WAC173-26-211(a); to specify consistency with the principles and standards of WAC 173-26-231 and WAC 173-26-241:

#### **16D.10.05 Shoreline Land Use Table**

<b>SHORELINE USES</b>	<b>Urban</b>	<b>Rural</b>	<b>Conservancy</b>	<b>Natural</b>	<b>Floodway/ CMZ</b>	<b>Urban Conservancy</b>
<b>ARCHEOLOGICAL</b>						
Interpretive center	S	C	C	<del>C</del> X	X	S
<b>RESIDENTIAL USE</b> Also see Section 16D.03.07 for common exemptions.						
Cabin (see definition; 800 sq. ft.) or Single Improved RV Site where other single family residences are	X	X	X	<del>C</del> X	<del>C</del> X	S

not permitted.						
<b>RECREATION</b> Also see 16D.01.05 (Applicability) and 16D.01.07 (Exemptions) for uses that may not require permits or review.						
Low-Intensity Outdoor Recreation of a Water Oriented nature (unimproved use areas, such as hiking or nature trails, primitive camping areas, <u>swimming beaches, etc.</u> ); an unimproved Personal Camping and Recreation Site is included in this category.	S	S	S	C	S	S
Events and temporary uses involving public interest (see definition) <u>which may interfere with normal public use,</u> that do not impair the shoreline environment.	C	C	C	C	C	C
<b>TRANSPORTATION &amp; PARKING</b>						
Highways & freeways	C	C	C	<u>EX</u>	C	C
Railways	C	C	C	<u>EX</u>	C	C
Transportation maintenance facilities	C	C	C	<u>EX</u>	X	C
<b>UTILITIES</b>						
Utility services to projects outside Shoreline jurisdiction	S	S	S	<u>SC</u>	<u>SC</u>	S
<b>IN-STREAM STRUCTURES</b> Also see 16D.01.07 (Exemptions) for uses that may not require permits.						
Construction that does not impound water (but may include stream bed manipulation); including <u>whitewater recreation structures</u> and flow gauging stations	<u>SC</u>	<u>SC</u>	<u>SX</u>	<u>SX</u>	<u>EX</u>	<u>EX</u>
<b>PIERS AND DOCKS</b> Also see section 16D.03.07 Exemptions for uses that may not require a permit.						
Pier/dock for Water Dependant Commercial, Industrial, Aquaculture, or Recreational Use;	S	S	C	<u>EX</u>	<u>EX</u>	S

or public access; or a single family residence facility to access watercraft						
<b>DREDGING</b>						
Dredging to modify channels or basins (excluding maintenance) for existing navigation uses	S	S	S	S X	C X	S
<b>FILLING &amp; DREDGE MATERIAL DISPOSAL</b>						
Fill within the OHWM for: - Water Dependant use - public access - expansion of existing transportation system of state-wide significance - beach nourishment - dredge material placement for habitat restoration project	C	C	C	C	C	C
- beaches	C	C	C	X	X	C